

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR**

O R D E R

S.B. Civil Second Appeal No.386 Of 2002

Nagar Mal Yogi Vs. Assistant Engineer & Another

Date Of Order ::: 16.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. D.P. Poojari, Counsel for plaintiff-appellant.

By the Court :

Heard learned counsel for the plaintiff-appellant.

This second appeal under Section 100 of the Code of Civil Procedure, 1908 has been preferred against the order dated 27.05.2000 passed by the Additional District Judge, Jhunjhunu, whereby he set aside the judgment dated 08.09.1998 passed by the Lower Court. The certified copy or typed copy of the judgment dated 08.09.1998 has not been filed, along with the second appeal in last more than six years. The matter was listed before this Court on 21.07.2005 and this Court directed the learned counsel for the plaintiff-

appellant to supply the certified copy of the judgment and decree passed by the learned trial Court, even in last 16 months the learned counsel for the plaintiff-appellant has not filed the certified copy of the judgment and decree passed by the learned Lower Court.

In these circumstances, the second appeal is dismissed for non prosecution and in view of Sub Rule 1 Order 41 of the C.P.C., wherein it is provided that the memo of appeal shall be accompanied by a copy of the judgment.

(Narendra Kumar Jain) J.